

Message Text

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AMCONSUL KARACHI

AMCONSUL LAHORE

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY NEW DELHI

AMEMBASSY TEHRAN

USLO PEKING

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TAGS: PFOR, ETRN, PK, IN

SUBJ: INDO-PAK TALKS ON CIVIL AVIATION CONCLUDE WITHOUT

AGREEMENT: ANOTHER ROUND PLANNED IN NEW DELHI

REF: ISLAMABAD 10759

SUMMARY: FIVE-DAY INDO-PAK NEGOTIATIONS SEEKING RESUMPTION
OF AIRLINKS AND OVERFLIGHT RIGHTS STALLED ON POINTS OF
CONTENTION RELATING TO 1971 HIGHJACK OF INDIAN AIR LINES
AIRCRAFT AND SUBSEQUENT INDIAN OVERFLIGHT BAN. TALKS
REPORTEDLY CORDIAL AND FRANK AND DELEGATIONS ANNOUNCED
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PLANS TO RESUME DISCUSSIONS AT "MUTUALLY CONVENIENT DATE."

END SUMMARY.

1. INDO-PAK TALKS ON AIRLINKS AND OVERFLIGHT CONCLUDED NOVEMBER 22 IN RAWALPINDI WITHOUT REACHING BASIC AGREEMENT BUT WITH PLANS TO RESUME TALKS ON THIS SUBJECT IN NEW DELHI AT A "MUTUALLY CONVENIENT DATE." ACCORDING TO GOVERNMENT-CONTROLLED PAKISTAN TIMES NOVEMBER 23, THE DIFFICULTY CENTERED ON COUNTERCLAIMS AS A RESULT OF THE 1971 HIGHJACKING OF INDIAN AIR LINES AIRCRAFT AND OVER-FLIGHT BAN. THE TALKS WERE CHARACTERIZED AS CORDIAL AND FRANKS AND THE INDIAN DELEGATION DEPARTED RAWALPINDI THE AFTERNOON OF NOVEMBER 22.

2. IN A DETAILED ARTICLE FRONT-PAGED IN THE PAK TIMES, THE MODALITIES OF THE INDO-PAK TALKS AND THE ESSENTIAL DIFFERENCES OF VIEW WERE SPELLED OUT. THE PAPER CLAIMED THAT "CONSIDERABLE PROGRESS WAS MADE AS FAR AS EVOLVING OF MUTUALLY ACCEPTABLE PRINCIPLES FOR THE RE-ESTABLISHMENT OF AIR LINKS AND RESUMPTION OF OVERFLIGHTS-- BUT THE DIFFERENCES ON THE COMPLEX ISSUES OF INTERPRETATION OF INTERNATIONAL CIVIL AVIATION LAWS ARISING OUT OF INDIA'S UNILATERAL BAN ON OVERFLIGHTS BETWEEN THE TWO COUNTRIES COULD NOT BE EASILY BRIDGED."

3. WHILE THE GOI WANTED THE GOP TO "UNCONDITIONALLY DISCONTINUE ITS COMPLAINT PENDING BEFORE THE COUNCIL OF INTERNATIONAL CIVIL AVIATION ORGANIZATION" (ICAO), THE GOP SIDE DEMANDED "PRIOR SETTLEMENT OF THE ISSUES RAISED BY THE INCIDENT" BEFORE COMPLAINT COULD BE WITHDRAWN FROM THE ICAO. PAKISTAN ALSO "FOUND IT DIFFICULT TO ACCEPT THE BASIS OF INDIAN COMPENSATION CLAIM BOTH FOR THE LOSS OF INDIAN FOKKER BURNED IN LAHORE OR LOSSES RESULTING FROM ITS OWN BAN ON OVERFLIGHTS," AND THE GOP POINTED TO THE RULING BY THE PAK HIGH JUDICIAL TRIBUNAL THAT THE HIGHJACKING INCIDENT WAS WORK OF "INDIAN INTELLIGENCE". GOP CLAIMS FOR LOSSES SUSTAINED BY PAKISTAN'S AIRLINES DUE TO THE GOI OVERFLIGHT BAN SET AT 46 MILLION DOLLARS AS OF OCTOBER 1974.

4. AS RESULT OF FIVE DAYS TALKS, PAK TIMES REPORTED
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THAT TWO SIDES HAVE APPOINTED EXPERT COMMITTEES TO DEAL WITH: A) TERMS OF SETTLEMENT OF 1971 ICAO CASE, B) PRINCIPLES FOR THE RESUMPTION OF OVERFLIGHTS, C) PRINCIPLES FOR THE RE-ESTABLISHMENT OF AIRLINKS AND D) DISCONTINUANCE OF 1971 CASE BEFORE ICAO. THE ARTICLE CONCLUDED BY SAYING "THE DELAY IN THE SETTLEMENT OF CIVIL AVIATION ISSUES IS NOT SEEN HERE AS A SERIOUS SETBACK TO THE PROCESS OF PROGRESSIVE NORMALIZATION OF RELATIONS BEGINNING WITH

ACCORD ON THE RESUMPTION OF POSTAL AND TELE-COMMUNICATIONS BETWEEN THE TWO COUNTRIES IN SEPTEMBER THIS YEAR. IT IS IN FACT ONLY ONE ASPECT OF NUMBER OF MEASURES ON WHICH STEP-BY-STEP AGREEMENTS ARE BEING SOUGHT IN THE BROADER PROSPECT OF SIMLA ACCORD BETWEEN THE HEADS OF GOVERNMENTS OF THE TWO COUNTRIES."

5. TEXT OF JOINT-COMMUNIQUE: "PURSUANT TO THE DECISION OF THE GOVERNMENT OF INDIA AND THE GOVERNMENT OF PAKISTAN AS ANNOUNCED IN THE JOINT COMMUNIQUE ISSUED ON SEPTEMBER 14, 1974, THE DELEGATIONS OF THE TWO COUNTRIES MET IN RAWALPINDI FROM NOVEMBER 18 TO NOVEMBER 22, 1974, TO DISCUSS THE 1971 CASE REGARDING OVERFLIGHTS AND THE QUESTION OF RESUMPTION OF OVERFLIGHTS AND AIRLINKS BETWEEN THE TWO COUNTRIES.

6. "THE DELEGATION OF INDIA WAS LED BY HIS EXCELLENCY SHRI NAROTTAM SAHGAL, SECRETARY, MINISTRY OF TOURISM AND CIVIL AVIATION, GOVERNMENT OF INDIA. IT INCLUDED OFFICIALS FROM THE MINISTRIES OF EXTERNAL AFFAIRS, AND TOURISM AND CIVIL AVIATION AND REPRESENTATIVES OF AIR INDIA AND INDIAN AIRLINES.

7. " THE DELEGATION OF PAKISTAN WAS LED BY MAJOR-GENERAL (RETD) FAZAL MUQEEM KHAN, SECRETARY, DEFENCE AND AVIATION. IT INCLUDED OFFICIALS OF THE MINISTRY OF FOREIGN AFFAIRS. CIVIL AVIATION DIVISION AND DEPARTMENT OF CIVIL AVIATION AND REPRESENTATIVES OF PAKISTAN INTERNATIONAL AIRLINES.

8. "THE LEADERS OF THE TWO DELEGATIONS RECALLED WITH SATISFACTION THE PROGRESS ALREADY ACHIEVED TOWARDS IMPLEMENTATION OF THE PROVISIONS OF THE SIMLA AGREEMENT FOR NORMALIZATION OF RELATIONS. THEY EXPRESSED THE HOPE THAT THE NEGOTIATIONS ON CIVIL AVIATION MATTERS WOULD
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MEET WITH THE SAME SUCCESS.

9. "THE TWO SIDES HELD DETAILED DISCUSSIONS WITH A VIEW TO EVOLVING TERMS FOR THE SETTLEMENT OF 1971 ICAO CASE. DISCUSSIONS WERE ALSO HELD FOR FINDING MUTUALLY ACCEPTABLE PRINCIPLES FOR THE RE-ESTABLISHMENT OF AIR LINKS BETWEEN THE TWO COUNTRIES AND FOR THE RESUMPTION OF OVERFLIGHTS.

10. "THE TALKS WERE HELD IN A CORDIAL ATMOSPHERE AND THE TWO SIDES HAD A FRANK EXCHANGE OF VIEWS. THE TWO SIDES AGREED THAT THE DISCUSSIONS HAD HELPED THEM ACHIEVE A BETTER APPRECIATION OF EACH OTHER'S VIEWPOINTS. THEY DECIDED TO CONTINUE THE TALKS AT ANOTHER MEETING TO BE HELD IN NEW DELHI ON A MUTUALLY CONVENIENT DATE."

11. FURTHER PARTICULARS WILL BE OBTAINED FROM MFA AND
REPORTED SEPTTEL.
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